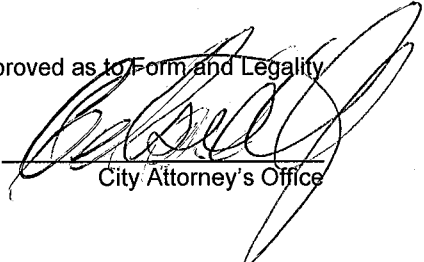


FILED
OFFICE OF THE CITY CLERK
OAKLAND

19 JUN 27 PM 1:04

Approved as to Form and Legality



City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 87810 - C.M.S.

INTRODUCED BY COUNCILMEMBER NOEL GALLO

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR HER DESIGNEE, TO TEMPORARILY CLOSE THE 600-700 BLOCK OF 37TH AVENUE FOR A PERIOD OF EIGHTEEN MONTHS DUE TO SERIOUS AND CONTINUAL CRIMINAL ACTIVITY AND ILLEGAL DUMPING

WHEREAS, California Vehicle Code ("CVC") section 21101.4(a), allows a local authority by resolution, to adopt rules and regulations for temporarily closing to through traffic a highway under its jurisdiction when the Council, after a public hearing, finds that all of the following conditions exist:

- serious and continual criminal activity or serious and continual illegal dumping
- the highway is not designated as a through highway or street and the temporary closure may be accomplished without significant impact on the normal flow of traffic
- vehicular and pedestrian traffic on the highway contributes to serious and continual criminal activity or illegal dumping
- closure will not substantially adversely affect traffic flow, safety of adjacent street or surrounding neighborhoods, operation of emergency vehicles, performance of municipal or public utility services, delivery of freight in the area of the closed street; and

WHEREAS, those conditions currently exist on the 600-700 block of 37th Avenue due to it being a dead-end street with only two properties, one of which is a permanently closed industrial facility; and

WHEREAS, the adjacent business has experienced significant theft and vandalism generated by persons who are using the street as a parking area for their recreational vehicles (RVs); and

WHEREAS, the adjacent business has repeatedly had staff members threatened by the persons who have parked their RVs on this dead end including having rocks thrown at them when they try to perform basic maintenance work; and

WHEREAS, the hidden nature of this dead end has allowed for significant illegally dumped material to accumulate causing the Oakland Public Works Department to spend significant resources cleaning the area; and

WHEREAS, the adjacent property owner has agreed to cover the costs associated with installing fencing to close the street temporarily, including adding a gate that would allow emergency vehicle access when necessary; and

WHEREAS, the street can reopen when the second vacant parcel undergoes redevelopment in the near future; and

WHEREAS, the residents and owners (based on the last equalized assessment roll) of properties adjacent to the portion of the street to be temporarily closed have been duly notified by mail of the Council's public hearing to consider the temporary closure of the 600-700 block of 37th Avenue; and

WHEREAS, on July 9th, 2019 as required by CVC section 21101.4(a) the City Council conducted a public hearing to receive input on these findings; now, therefore, be it

RESOLVED: That the Council pursuant to California Vehicle Code section 21101.4 (a) hereby finds and determines, based upon a report by the Oakland Police Department attached hereto as Exhibit A, and the illegal dumping report attached hereto as Exhibit B, that: (1) there is serious and continual criminal activity and illegal dumping occurring on the 600-700 block of 37th Avenue that is being recommended for temporary closure, (2) the 600-700 block of 37th Avenue is not designated as a through highway or arterial street, (3) vehicular and pedestrian traffic on the 600-700 block of 37th Avenue contribute to the criminal activity and illegal dumping occurring on that portion of the street, and (4) the closure of that portion of 37th Avenue will not substantially adversely affect (a) traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, (b) the operation of emergency vehicles, (c) the performance of municipal or public utility services, or (d) the delivery of freight by commercial vehicles in the 600-700 block of 37th Avenue that is proposed to be temporarily closed; and be it

FURTHER RESOLVED: That the Council finds and determines, based upon the report and recommendation of the Oakland Police Department, and of the Oakland Public Works Department, that the conditions that exist on the 600-700 block of 37th Avenue meet the requirements of California Vehicle Code section 21101.4 (a); and be it

FURTHER RESOLVED: That the Council hereby authorizes that the 600-700 block of 37th Avenue be temporarily closed to through traffic for a period of eighteen (18) months, and that the City shall give thirty (30) days written notice of a decision to either remove or permanently maintain the street barrier; and be it

FURTHER RESOLVED: That the closure of the 600-700 of 37th Avenue may be extended up to 8 times for 9-18 month closures each time if prior to an extension, the

Council holds a public hearing and makes similar findings by ordinance or resolution as those needed for the original closure of the 600-700 block of 37th Avenue.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUL - 9 2019

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, ~~WISDOMA~~, KALB, ~~DEM~~ TAYLOR, THAO AND PRESIDENT KAPLAN - 6

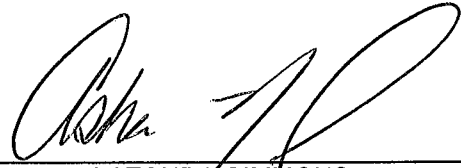
NOES -

ABSENT -

ABSTENTION -

Excused - 2 Reed & McElhenny

ATTEST:



LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California